

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FT TO 5 FT FOR A PROPOSED TWO-STORY GARAGE; (WILLIAM & NANCY SHROCK, APPLICANTS).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date 06-23-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FT TO 5 FT FOR A PROPOSED TWO-STORY GARAGE; (WILLIAM & NANCY SHROCK, APPLICANTS); OR
2. **DENY** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FT TO 5 FT FOR A PROPOSED TWO-STORY GARAGE; (WILLIAM & NANCY SHROCK, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #3, Van Der Weide)

(Earnest McDonald, Principal Coordinator)

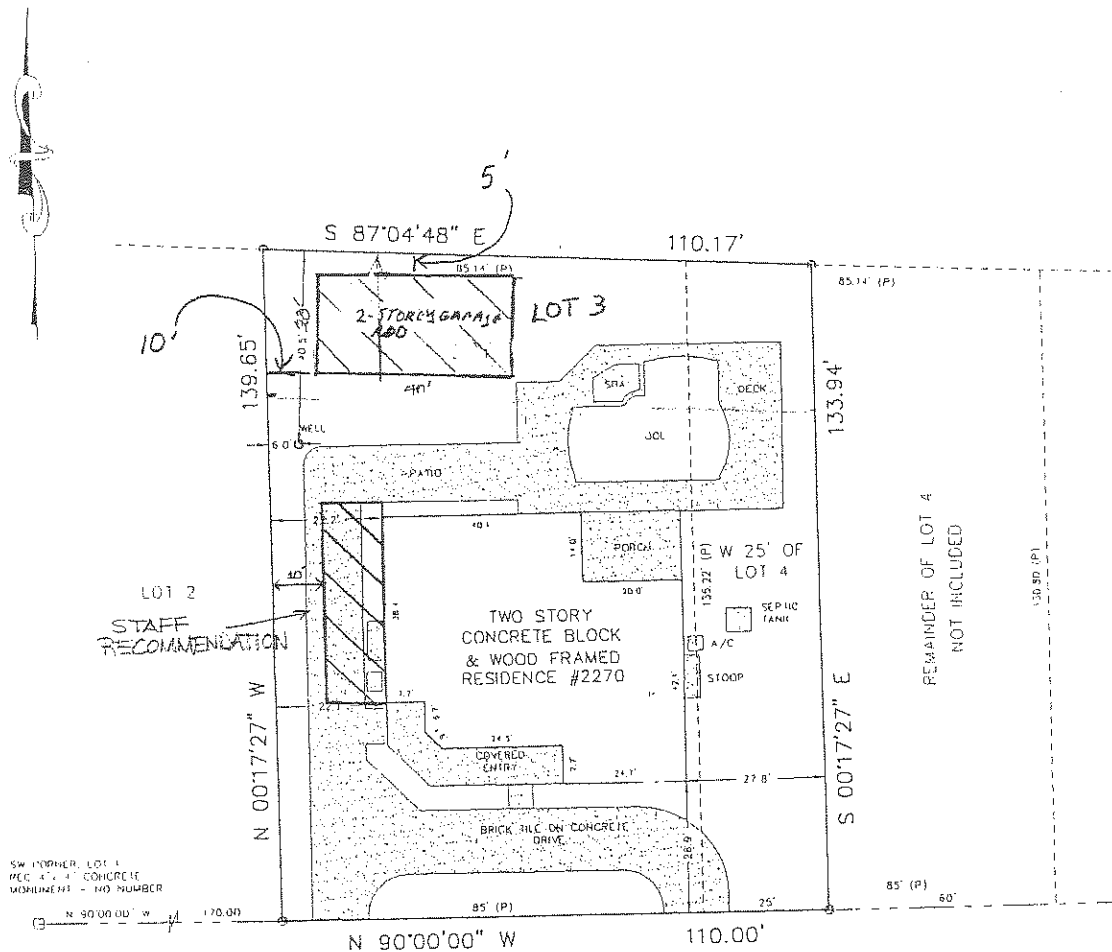
GENERAL INFORMATION	WILLIAM & NANCY SHROCK, APPLICANTS 2270 POINSETTIA DRIVE LONGWOOD, FL 32779	R-1AA DISTRICT, LDC SECTION 30.206(c)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • APPLICANT PROPOSES A 800 SF (20 FT X 40 FT) DETACHED ACCESSORY BUILDING THAT WOULD ENCROACH 25 FT INTO THE MINIMUM REAR YARD SETBACK • REAR YARD VARIANCE FROM 30 FT TO 5 FT IS REQUESTED. • ON APRIL 28, 2003 AND MAY 19, 2003, THE BOA CONTINUED THIS ITEM TO PROVIDE STAFF WITH ADDITIONAL OPPORTUNITY TO EVALUATE THIS REQUEST AND ADVISE MODIFICATIONS TO THE SUBMITTED SITE PLAN. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • STAFF HAS DETERMINED THAT A TWO-STORY ADDITION, INCLUDING A TWO-CAR GARAGE, COULD BE CONSTRUCTED TO THE WEST OF THE EXISTING HOME, WITHOUT ENCROACHMENT INTO THE MINIMUM SIDE YARD SETBACK. 	

	<ul style="list-style-type: none">• BASED ON THE PREVIOUS FINDING, STAFF BELIEVES THE GRANT OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE R-1AA DISTRICT BY ALLOWING FOR SUBSTANTIAL ENCROACHMENT INTO THE MINIMUM REAR YARD SETBACK WITHOUT THE DEMONSTRATION OF A HARDSHIP.• THE REQUESTED VARIANCE WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY.• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY INCREASE THE BULK OF STRUCTURES BEYOND ESTABLISHED LIMITS WITHIN THE NEIGHBORHOOD.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• STAFF RECOMMENDS DENIAL OF THE REQUESTED REAR YARD SETBACK VARIANCE FROM 30 FT TO 5 FT.• STAFF BELIEVES THE APPLICANT HAS FAILED TO DEMONSTRATE A HARDSHIP AND REASONABLE USE OF THE PROPERTY COULD BE RETAINED WITHOUT THE GRANT OF A VARIANCE.• A TWO-STORY ADDITION, APPROXIMATELY 12 FT X 40 FT, COULD BE CONSTRUCTED TO THE WEST OF THE EXISTING HOME, WHICH COULD ACCOMMODATE TWO VEHICLES IN A STACKING ARRANGEMENT, WITHOUT ENCROACHMENT INTO THE MINIMUM 10 FT SIDE YARD OR 30 FT REAR YARD SETBACKS.• IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITION:<ul style="list-style-type: none">○ ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED GARAGE DEPICTED ON THE ATTACHED SITE PLAN.

PLAT OF SURVEY

DESCRIPTION: (AS FURNISHED)

LOT 3 AND THE WEST 25 FEET OF LOT 4, LAKE BRANTLEY ISLES AMENDED PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 67, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA



POINSETTIA DRIVE

50' PLATTED RIGHT-OF-WAY
ASPHALT ROADWAY

LEGEND:

○	DENOTES REC 1/2" IRON ROD & CAP LS #3784	LB	LAND SURVEYING BUSINESS
R	DENOTES RADIIUS	LS	LAND SURVEYOR
△	DENOTES DELTA ANGLE	PMU	PERMANENT REFERENCE MONUMENT
L	DENOTES ARC LENGTH	PEP	PERMANENT CONTROL POINT
CB	DENOTES CHORD BEARING	PI	POINT OF INTERSECTION
---	RIGHT OF WAY LINE	PI	POINT OF INTERSECTION
(P)	PER PLAT	PC	POINT OF CURVATURE
(M)	MEASURED	CLF	CHAIN LINK FENCE
REC	RECOVERED	W	WOOD FENCE
■	CONCRETE	TYP	TYPICAL
		A/C	AIR CONDITIONER
		CBW	CONCRETE BLOCK WALL
		RP	RADIUS POINT
		OU	OVERHEAD UTILITY LINE

CERTIFIED TO:
WILLIAM E. & NADEY M. SHROCK
SUNTRUST BANK, CENTRAL FLORIDA, N.A.
BENCHMARK TITLE AGENCY
COMMONWEALTH LAND TITLE INSURANCE COMPANY

I HAVE EXAMINED THE FIRM COMMUNITY PANEL NO 120289 DATED 4/17/95 AND FOUND THE SUBJECT PROPERTY APPEARS TO BE IN ZONE X, AREA OF MINIMAL FLOODING

BEARINGS SHOWN HEREON ARE BASED ON THE NORTHERLY LINE OF LOT 3, BEING EAST, AN ASSUMED DATUM

FIELD DATE: 7/8/98

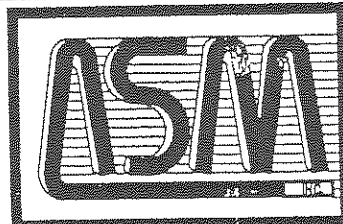
REVISION:

SCALE: 1" = 30 FEET

APPROVED BY: TAU

JOE HAY: ASMS/970

REASON: RTH



AMERICAN SURVEYING & MAPPING
CERTIFICATION OF AUTHORIZATION NUMBER LB2639
2511 EDGEWATER DRIVE
ORLANDO, FLORIDA
32804 (407) 426-7979

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, EASES OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I hereby certify that I have performed a survey of the herein described property, for the purpose herein described, that this drawing is a representation of that survey and meets the Minimum Technical Standards set forth in Chapter 61G-25 of the Florida Administrative Code pursuant to Chapter 47207 Florida Statutes

THOMAS ANDREY DOWNS, P.E. 91

Mr. and Mrs. Hugh J. Perlman
206 Green Lake Circle
Longwood, FL 32779

April 21, 2003

Transmitted by fax

Seminole County Board of Adjustment
c/o Bernadette Smith, Senior Technician
Seminole County Service Building
1101 East First Street
Sanford, FL

Dear Board Members:

The purpose of this letter is to object to the request of William & Nancy Shrock (BV2003-024) for a rear yard setback variance, to build a 2-story garage within 200 feet from our home.

Setbacks maintain distance and open space between buildings. Variances exist to cure undue hardships. County ordinances require the same setbacks for single family lots from 8,400 square feet to one acre. If they are not too restrictive at 8,400 square feet, they are clearly not too restrictive on a lot of 15,000 square feet which is 110 feet wide and almost 140 feet deep.

This request attempts to use more of a lot than rules permit and thereby takes away open space from neighbors who have acted within and in reliance on these rules. Granting this variance would constitute unjustified enrichment for the owner, and a taking from us.

We have lived in Seminole County, in this home, for over 25 years. We oppose this variance because it is inappropriate, unjustifiable and harmful to our interests. We hope you will act accordingly on our behalf, as well as to properly reflect county regulations and laws which protect against uncompensated takings.

Sincerely,

Hugh and Anita Perlman

cc: Commissioner Dick Van Der Weide

**Mr. and Mrs. Bruce J. Bauder
202 Green Lake Circle
Longwood, Florida 32779**

April 24, 2003

Transmitted by fax

Seminole County Board of Adjustment
c/o Bernadette Smith, Senior Technician
Seminole County Service Building
1101 East First Street
Sanford, Florida

Dear Board Members:

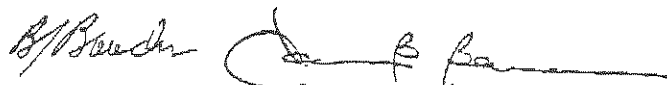
The purpose of this letter is to object to the request of William & Nancy Schrock (BV2003-024) for a rear yard setback variance, to build a 2-story garage just feet from our rear property line. We have an eight foot hedge at the rear of our property to maintain our privacy and preserve the aesthetics of our landscaped yard. A two story garage constructed virtually on our rear property line would detract from our privacy, ruin the aesthetics of our backyard and lower the value of our property.

Setbacks maintain distance and open space between buildings. Variances exist to cure undue hardships. County ordinances require the same setbacks for single family lots from 8,400 square feet to one acre. If they are not too restrictive at 8,400 square feet, they are clearly not too restrictive on a lot of 15,000 square feet which is 110 feet wide and almost 140 feet deep.

This request attempts to use more of a lot than rules permit and thereby takes away open space from neighbors who have acted within and in reliance on these rules. Granting this variance would constitute unjustified enrichment for the owner, and a taking from us.

We have lived in Seminole County, in this home, for 25 years. We oppose this variance because it is inappropriate, unjustifiable and harmful to our interests. We hope you will act accordingly on our behalf, as well as to properly reflect county regulations and laws which protect against uncompensated takings.

Sincerely,

Handwritten signatures of Bruce and Jann Bauder. The signature on the left is 'B. Bauder' and the signature on the right is 'Jann Bauder'.

Bruce and Jann Bauder

cc: Commissioner Dick Van Der Weide

Barry & Julie Hyde
204 Green Lake Circle
Longwood, FL 32779

April 25, 2003

Seminole County Board of Adjustment
c/o Bernadette Smith, Senior Technician
Seminole County Service Bldg.
1101 East First Street
Sanford, FL

Dear Board Members:

This letter is to strongly object to the request of William and Nancy Shrock for a rear yard setback variance from 30 feet to 5 feet for a proposed 2-story garage, reference (BV2003-024).

We are homeowners located directly in view behind the Shrock's 2270 Poinsetta Drive home. We bought our home in this area because of the beauty of the surrounding area and the security of knowing that future builds would only be allowed as per the existing code of 30 feet, not 5 feet. We feel that by allowing the Shrock's to build within 5 feet of the property line will infringe on our privacy and natural beauty of our property. By allowing this variance, we feel that the homeowners requesting this variance would be the only parties benefiting while we and other homeowners located behind the Shrock's property would suffer.

We hope that this letter will allow you to act against this variance on our behalf and that all we ask is for you to uphold the current laws and county regulations written to protect homeowners in cases such as this.

Sincerely,


Barry & Julie Hyde
Homeowners